

Senate Bill No. 577

CHAPTER 152

An act to amend Sections 19180, 19181, 19182, 19183, 19201, 19202, 19203, 19204, and 19211 of, and to amend the heading of Article 7 (commencing with Section 19200) of Chapter 2 of Part 3 of Division 13 of, to add Section 19201.5 to, the Health and Safety Code, relating to seismic safety, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1996. Filed with
Secretary of State July 12, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 577, Rosenthal. Seismic safety: seismic gas shutoff devices: water heaters.

Existing law relating to state building standards and seismic safety requires the installation of earthquake sensitive gas shutoff valves in specified buildings, and generally regulates the manufacture and sale of these valves. Existing law requires the State Architect to adopt standards governing earthquake sensitive gas shutoff valves for installation in buildings, on or before a specified date, and to establish a certification procedure for and to certify seismic gas shutoff valves, as specified. Existing law also requires new seismic gas shutoff valves sold on or after a specified date to be certified prior to sale by the State Architect. Existing law further requires all new and replacement water heaters sold in California after a specified date and all existing water heaters to be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion, as specified.

This bill would replace references to earthquake sensitive or seismic gas shutoff valves with the term earthquake sensitive or seismic gas shutoff devices and delete the above references to specified dates. The bill would require the State Architect to certify specified gas shutoff devices, as defined, that are activated by phenomena other than motion. The bill would except from its definition of "seismic gas shutoff device" any device installed on a gas distribution system owned or operated by a public utility. In addition, this bill would revise the bracing requirements for water heaters to apply to all new and replacement water heaters, and all existing residential water heaters, and would require any water heater to be secured in accordance with the California Plumbing Code, or modifications made thereto by a city, county, or city and county pursuant to a specified provision of existing law. Because violation of these provisions relating to earthquake protection is punishable as a

misdemeanor, this bill would impose a state-mandated local program by changing the definition of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill also would make technical and organizational changes to these provisions.

The bill also would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 19180 of the Health and Safety Code is amended to read:

19180. The Legislature finds and declares that:

(a) It is generally accepted that various areas of the state will experience moderate and severe earthquakes in the foreseeable future.

(b) A serious threat to life and property resulting from these earthquakes is the threat of fire resulting from earthquake damage.

(c) In order to mitigate, as much as possible, the effects of a major earthquake, including fire resulting from an earthquake, local governments should be authorized to adopt ordinances requiring installation of earthquake sensitive gas shutoff devices in buildings.

SEC. 2. Section 19181 of the Health and Safety Code is amended to read:

19181. Notwithstanding any other provision of law, the governing body of any city, county, or city and county may enact an ordinance requiring the installation of earthquake sensitive gas shutoff devices in buildings open to the public. Any ordinance adopted pursuant to this section shall conform to standards adopted by the State Architect pursuant to Section 19182.

SEC. 3. Section 19182 of the Health and Safety Code is amended to read:

19182. (a) The State Architect shall adopt standards governing earthquake sensitive gas shutoff devices for installation in buildings. These standards shall reasonably provide for convenient installation and maintenance of gas shutoff devices, as well as maintaining the safety of persons occupying buildings equipped with such devices.

(b) In adopting standards pursuant to this section, the State Architect shall consider standards for such devices developed by the Z-21 American National Standards Committee and the comments or suggestions from various public utilities.



SEC. 4. Section 19183 of the Health and Safety Code is amended to read:

19183. (a) Manufacturers of earthquake sensitive gas shutoff devices or other devices required by an ordinance adopted pursuant to Section 19182, shall first obtain certification, pursuant to Article 7 (commencing with Section 19200), that the device meets the standards established pursuant to Section 19182.

SEC. 5. The heading of Article 7 (commencing with Section 19200) of Chapter 2 of Part 3 of Division 13 of the Health and Safety Code is amended to read:

Article 7. Seismic Gas Shutoff Devices

SEC. 6. Section 19201 of the Health and Safety Code is amended to read:

19201. (a) As used in this article, “seismic gas shutoff device” means a seismic gas shutoff device certified by the State Architect pursuant to Section 19202.

(b) Notwithstanding any other provision of law, “seismic gas shutoff device” does not include any device installed on a gas distribution system owned or operated by a public utility.

SEC. 7. Section 19201.5 is added to the Health and Safety Code, to read:

19201.5. The State Architect shall establish a certification procedure for earthquake sensitive gas shutoff devices and shall establish a fee for the certification. Fees imposed pursuant to this section shall be equal to the costs associated with making the certification and are continuously appropriated to the State Architect for administering the certification program.

SEC. 8. Section 19202 of the Health and Safety Code is amended to read:

19202. The State Architect shall certify seismic gas shutoff devices which, as determined by the State Architect, comply with Chapter 12-23 (commencing with Section 12-23-101) of Part 12 of Title 24 of the California Code of Regulations, and which meet all of the following requirements:

(a) (1) The design of the device shall be operationally simplistic with an integral process design for assuring an optimum level of control and trouble-free functional operation.

(2) Notwithstanding paragraph (1), automatic gas shutoff devices that are not activated by motion, but are activated by significant gas leaks or overpressure surges, shall be certified by the State Architect, if they otherwise meet the requirements of this section.

(b) The design of the device shall provide a proven method to automatically provide for expedient and safe gas shutoff in an emergency.

(c) The design of the device shall minimize or preclude the disruption to the flow of gas from erroneous vibrations, alien forces, or both erroneous vibrations and alien forces.

(d) The design of the device shall provide a capability for ease of consumer or owner resetting without concern for safety.

(e) The operational and functional design of the device shall be at least equal to the device certified by the State Architect pursuant to Article 6 (commencing with Section 19180).

SEC. 9. Section 19203 of the Health and Safety Code is amended to read:

19203. Any new seismic gas shutoff device sold by any person in this state shall, prior to sale, be certified by the State Architect.

SEC. 10. Section 19204 of the Health and Safety Code is amended to read:

19204. This article is limited to the service connections of individual structures to main gas lines and to connections of appliances to gas lines and does not apply to devices within gas lines.

SEC. 11. Section 19211 of the Health and Safety Code is amended to read:

19211. (a) Notwithstanding Section 19100, all new and replacement water heaters, and all existing residential water heaters shall be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion. At a minimum, any water heater shall be secured in accordance with the California Plumbing Code, or modifications made thereto by a city, county, or city and county pursuant to Section 17958.5.

(b) The seller of any real property containing a water heater shall certify to the prospective purchaser that this section has been complied with. This certification shall be made in writing, and may be included in existing transactional documents, including, but not limited to, the Homeowner's Guide to Earthquake Safety, published pursuant to Section 10149 of the Business and Professions Code, a real estate sales contract or receipt for deposit, or a transfer disclosure statement pursuant to Section 1102.6 or 1102.6a of the Civil Code.

(c) Notwithstanding Section 669 of the Evidence Code, the failure of any person to comply with this section shall not create a presumption of a failure by that person to exercise due care.

SEC. 12. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative

on the same date that the act takes effect pursuant to the California Constitution.

SEC. 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To expedite state certification that can prevent natural gas fires in the event of an earthquake and to clarify statutory law enacted on January 1, 1996, that requires residential sellers to certify the strapping of water heaters, it is necessary that this act take effect immediately.

